

CALIFORNIA COASTAL COMMISSION  
San Diego Coast  
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RECORD PACKET COPY

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Filed: March 11, 1996  
49th Day: April 29, 1996  
180th Day: September 7, 1996  
Staff: WNP-SD  
Staff Report: April 18, 1996  
Hearing Date: May 7-10, 1996

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-96-38

Applicant: Richmond American Homes/Aviara Land Associates

Agent: Hofman Planning

Description: Construction of 101 one-and-two-story single family homes as part of a previously approved and graded subdivision map; the homes range in size from 2,662 sq.ft. to 3,502 sq.ft., with a maximum building height of 28 feet on a 55 acre site within Planning Area #30 of the Aviara Master Plan.

Lot Area	55 acres	
Building Coverage	7.5 acres	(14%)
Pavement Coverage	4.4 acres	(8%)
Landscape Coverage	20.1 acres	(36%)
Unimproved Area	23 acres	(42%)
Parking Spaces	303	
Ht abv fin grade	28 feet	
Zoning	PC Planned Community	
Plan Designation	RLM/RM/OS	
Project Density	1.83 dua	

Site: Southwest of the intersection of Batiquitos Drive and Kestrel Drive, Carlsbad, San Diego County, APN 214-170-51, 215-040-23, 216-111-08; and 216-150-18

Substantive File Documents: Certified City of Carlsbad East Batiquitos Lagoon/Hunt Properties and Mello I Local Coastal Program segments; CDP #6-92-189

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development subject to a special condition requiring written acknowledgement signed by both co-applicant's acknowledging the additional public access trail that will be constructed within the open space within PA 30, as part of the build-out of the adjacent Planning Area #28.

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development on the grounds that the development will be in conformity with the adopted Local Coastal Program, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Trail Acknowledgement. Prior to the issuance of the coastal development permit, both the co-applicants shall sign and submit a written acknowledgement that an additional public access trail will be constructed within the open space of Planning Area 30, and the trail shall be open to the public in perpetuity. The trail shall be constructed as a condition of development of Planning Area #28. Said acknowledgement shall be submitted to the Executive Director for review and written approval prior to the issuance of the coastal development permit.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The project site is Planning Area (PA) #30 of the Aviara Master Planned Community, of which the master plan was approved by the Commission in 1988 (ref. CDP #6-87-680). Located on the west side of Batiquitos Drive at Kestral Drive, the 55 acre hillside and mesa-top site overlooks Planning Area #28 of the Master Plan which is located southwest of PA 30 and immediately adjacent to Batiquitos Lagoon. Planning Area #30 is highly visible from I-5 and is known for two sizable eucalyptus groves which are being preserved as open space. The site was rough graded pursuant to the master plan permit. On October 13, 1992, the Commission approved CDP #6-92-189 for the subdivision of the 54.9 acre site into 101 residential lots (7,500 sq. ft. minimum), 2 open space lots (Lot 63 is 7.0 acres, Lot 106 is 15.9 acres) and interior streets and site preparation including 46,700 cubic yards of balanced cut and fill grading for building pads and infrastructure construction. The subdivision was approved as a "gated" community with private streets. Open space lots #77 and #106 are owned and maintained by the Aviara Master Association who are co-applicants. No residential construction was proposed or approved.

In November 1995 the Commission approved an amendment for a one-time exemption from the winter grading restriction to allow 30,000 cubic yards of finish balanced grading for building pads and roads in Unit 3 of the subdivision. The amendment allowed the grading to occur between October 1, 1995 and December 31, 1995 subject to special conditions limiting the winter grading

extension to only the 1995 winter season, requiring the submittal of a detailed grading schedule, and requiring the submittal of a monitoring program to monitor the condition of the erosion control devices. Grading has been completed in Units I and II and all perimeter and downstream erosion control devices have been installed.

2. Visual Resources. Section 30251 of the Coastal Act states in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas,...

The subject site is highly visible from the Batiquitos Lagoon and surrounding roadways, including Interstate 5, La Costa Avenue and El Camino Real, all coastal access routes and all designated scenic corridors. In the approved master plan, community development standards were developed which apply to the entire master planned community, including the subject site. In addition, specific site development standards were developed for each planning area. Within Planning Area #30, in which the subject property is located, the specific development standards relate to height of structures, setbacks and design criteria.

A portion of the planning area, which includes tree groves, has been placed into deed restricted open space as required by CDP #6-87-680. No encroachment will occur into the required open space area as a result of the proposed homes.

The proposed development is in conformance with the established development standards and design criteria. The Master Plan includes several design measures intended to address potential visual issues associated with development of this site. These include requirements for building height variations and architectural relief to prevent a "walling effect" when seen from Batiquitos Drive and I-5.

Structures visible from along Batiquitos Drive will be primarily those on Lots 84-78 (moving from west to east). Of these 11 lots, two will contain single-story units with a height of 20 feet. The remainder will contain two-story units with a height of 27 to 28 feet. While the difference in structure heights for the two-story units is small (a maximum of 1'), the apparent height variation will be greater because of the stepped pads utilized. (The pad heights vary by 1-5'). The units on these 11 lots will also incorporate enhanced building facades.

Structures visible from I-5 will be primarily those on Lots 85-93 and 59-58 (moving north to south). As above, of these 11 lots, two will contain single-story units with heights of 20 feet. The remainder will contain two-story units with heights of 27 to 28 feet. In this location, the stepped pads include smaller elevation differences (1'-2'). However, the distance

between structures in this area is generally greater (typically 23-30'). In this area there is also a portion of the site (approximately 180' in length) which will remain undeveloped. The greater distance between structures will further break up the appearance of the development in this area. These 11 units will also incorporate the enhanced building facades. The Master Plan calls for "strong architectural relief" to be incorporated into these structures to minimize a "walled effect" from I-5. The proposed building elevations show decks which will vary in size and placement with the different floor plans. The Commission finds that the proposed architecture, combined with the distance between structures, stepped pads, and muted earthtone colors will effectively combine to prevent a walled appearance. Therefore, the Commission finds the proposed development consistent with Section 30251 of the Coastal Act and the previously approved master plan.

### 3. Visitor Uses/Public Recreation/Priority Uses

Section 30604(c) of the Coastal Act states:

)Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

Section 30604 (c) of the Coastal Act requires that for any development between the first public road and the sea, a specific finding must be made that the project is in conformity with the public access and recreation policies of the Coastal Act. The above citations reference the "sea"; the "sea" is meant in the Coastal Act to include coastal waterways such as lagoons. Planning Area 30 is located between the first coastal roadway and the sea (i.e between Batiquitos Drive and Batiquitos Lagoon).

In its certification of the Aviara Master Plan, the Commission found the upland community trail system was a lower cost recreational facility which gives access to the Batiquitos Lagoon North Shore Trail and upland areas within the Aviara holdings. However, Planning Area #30 does not contain any segments of the approved public access trail system within the Aviara holdings. Aviara Land Associates is proposing a number of public access improvements in connection with its tentative map submittal on the adjacent PA 28 in CDP #6-96-43. One of these improvements is a new 1/3 mile trail, part of which traverses PA 30 within an open space lot owned by Aviara. As proposed, the trail would be constructed in PA 28, in conjunction with a proposed 25 space public parking lot, to travel west into PA 30 through two eucalyptus groves and then south to meet the North Shore Trail just west of the PA 28 subdivision boundary. The trail segment would enhance the Lagoon North Shore Trail experience by exposing the user to habitat ranging from upland plant communities, to the lowland communities of the lagoon. The access trail is planned as a decomposed gravel path, a maximum 8 feet in width, that would take approximately 10 minutes to walk. As the trail would provide public access opportunities between the first coastal roadway and the sea (i.e., to the North Shore Trail), it can be found consistent with the public access and recreation provisions of the Coastal Act.

Special Condition #1 requires submittal of a written acknowledgement of the trail by both co-applicants and the fact that the trail will be open to the public in perpetuity. As conditioned, the Commission finds the proposed project consistent with the visitor-serving and public recreation sections of the Coastal Act and the respective LCP segments.

4. Local Coastal Planning. Sections 30170(f) and 30171 of the Coastal Act were special legislative amendments which required the Commission to adopt and implement a Local Coastal Program for portions of the City of Carlsbad and County islands prior to the specific statutory dates. The Master Plan covers property located with the jurisdiction of three of the City of Carlsbad's six local coastal program segments. The proposed project is located within two of the segments, the Mello I and East Batiquitos Lagoon/Hunt Properties segments.

The City of Carlsbad amended the Mello I and II segments of its LCP in 1987. In those actions, the City proposed that the "Pacific Rim Master Plan" (now the Aviara Master Plan) serve as both the LUP and implementing ordinances for those portions of the LCP that contained the Pacific Rim project site.

The proposed development is consistent with the applicable policies of the Master Plan and the LCP. Therefore, the Commission finds that the proposed development, subject to the special condition, is consistent with the certified Aviara Master Plan and the Mello I and East Batiquitos Lagoon/Hunt Properties segments of the City of Carlsbad LCP.

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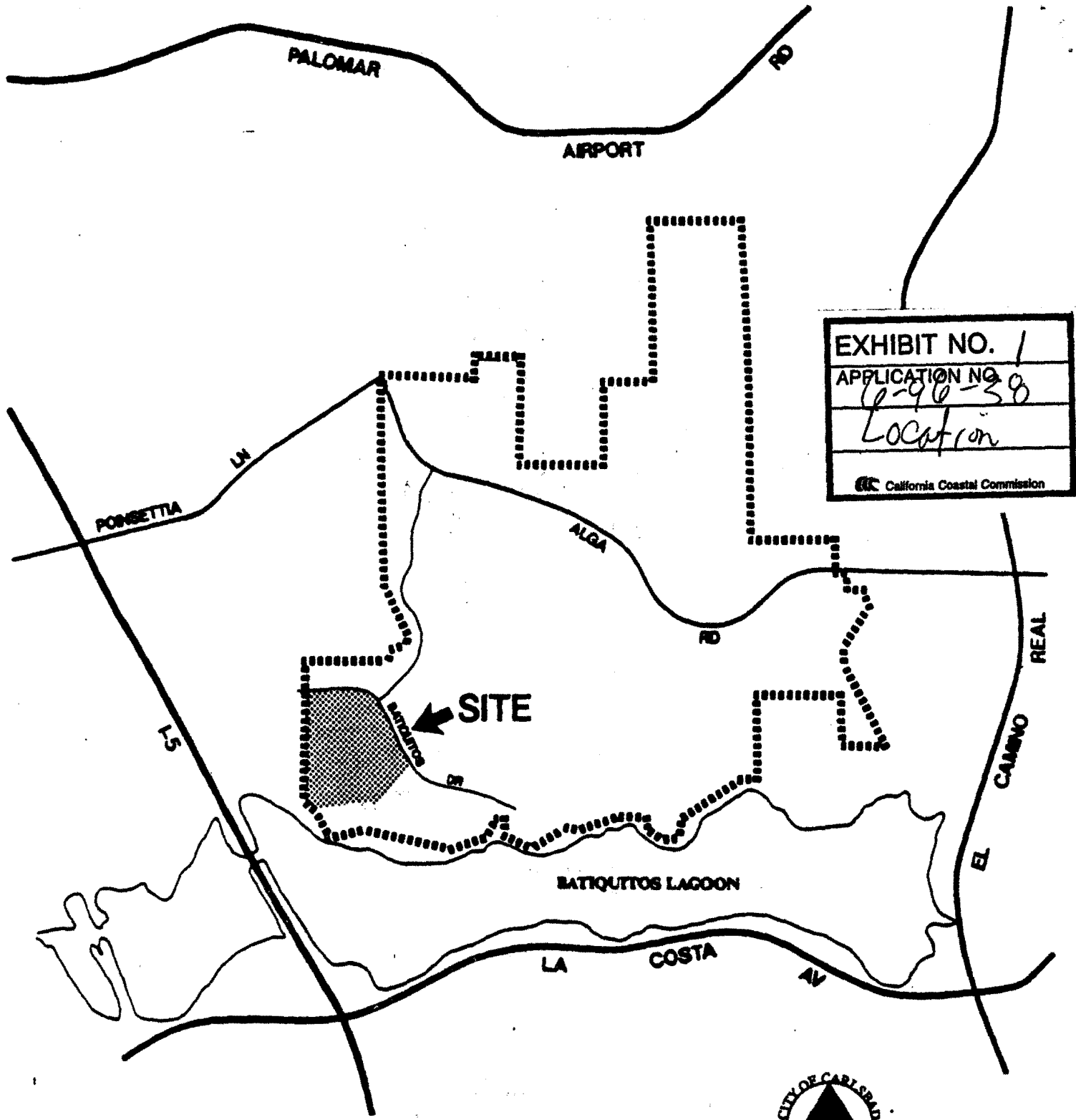


EXHIBIT NO. 1
APPLICATION NO. 10-90-30
Location
California Coastal Commission



# AVIARA PLANNING AREA 30

SDP 95-14

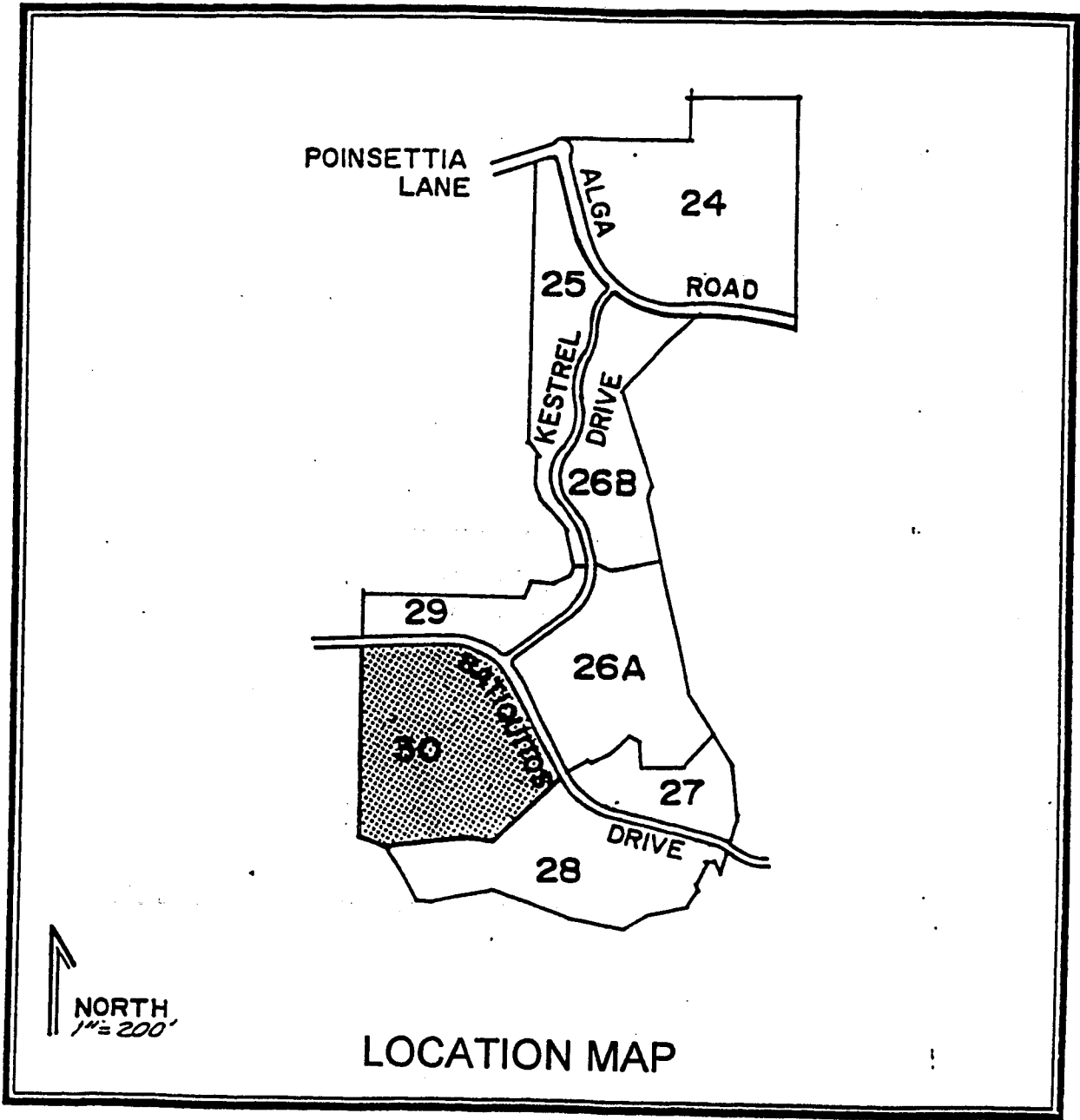
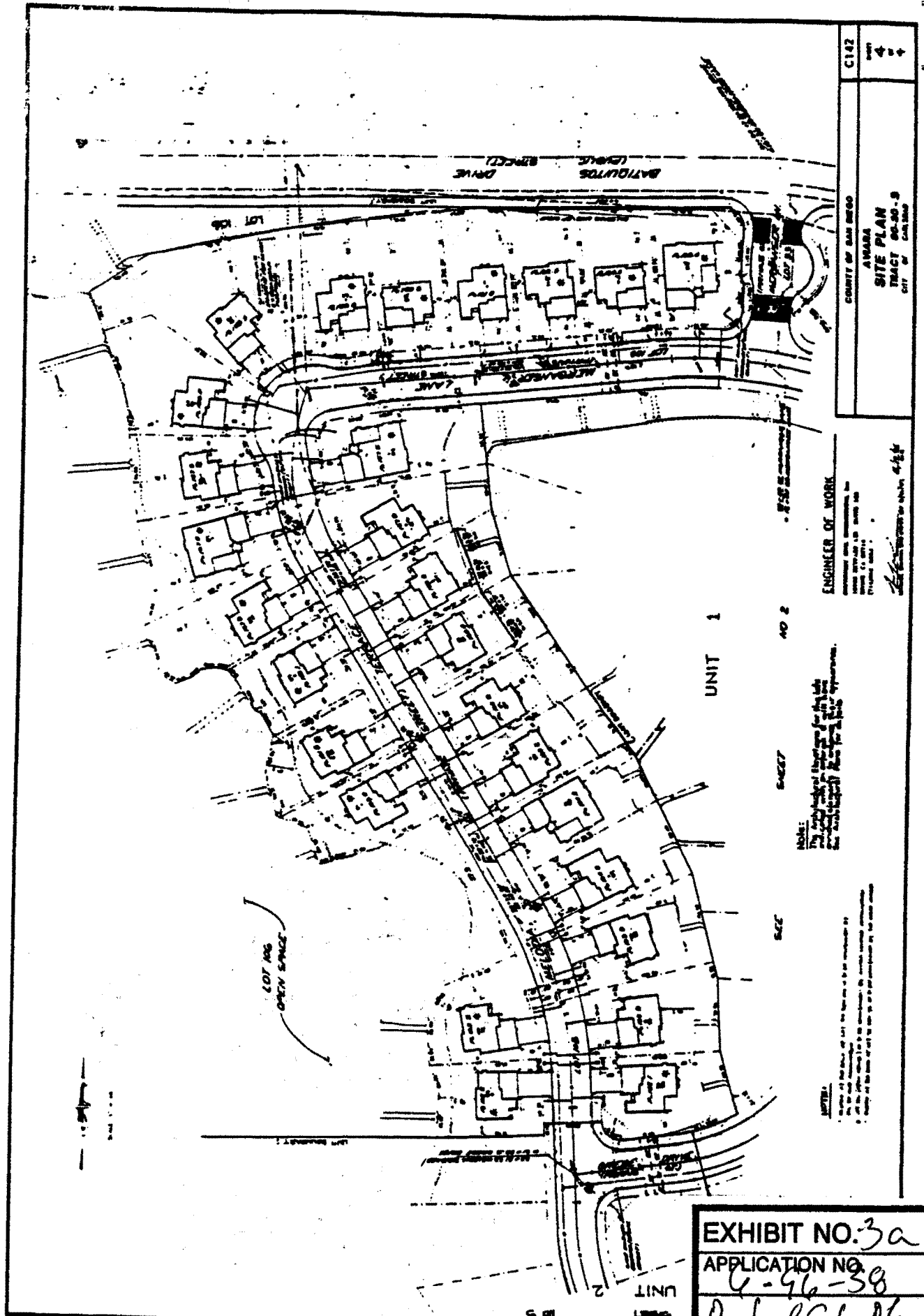


EXHIBIT NO. 2
APPLICATION NO. 6-96-38
Location
California Coastal Commission



C142  
 COUNTY OF SAN DIEGO  
 AWARD  
 SITE PLAN  
 TRACT 96-00-9  
 CITY OF CARLSBAD

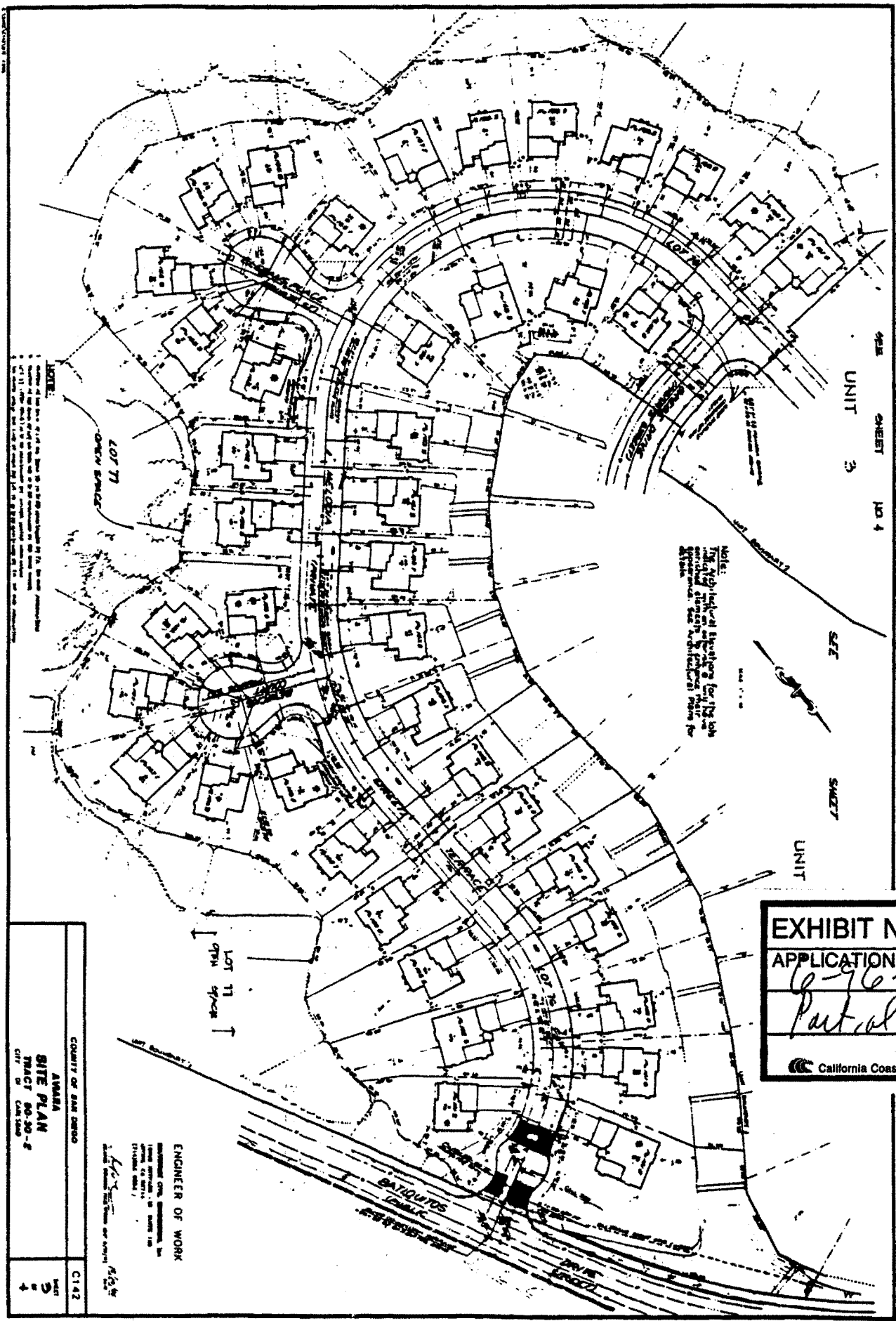
ENGINEER OF WORK

Notes:  
 1. The applicant shall be responsible for obtaining all necessary permits from the appropriate agencies.  
 2. The applicant shall be responsible for obtaining all necessary easements from the appropriate agencies.  
 3. The applicant shall be responsible for obtaining all necessary approvals from the appropriate agencies.

Legend:  
 1. The area shown on this plan is to be developed as residential.  
 2. The area shown on this plan is to be developed as commercial.  
 3. The area shown on this plan is to be developed as industrial.

EXHIBIT NO. 3a
APPLICATION NO. 9-96-38
Partial Site Plan
California Coastal Commission





SHEET NO. 4  
UNIT 3

SHEET UNIT

**EXHIBIT NO. 36**  
**APPLICATION NO.**  
*6-96-38*  
*Part of Site Plan*

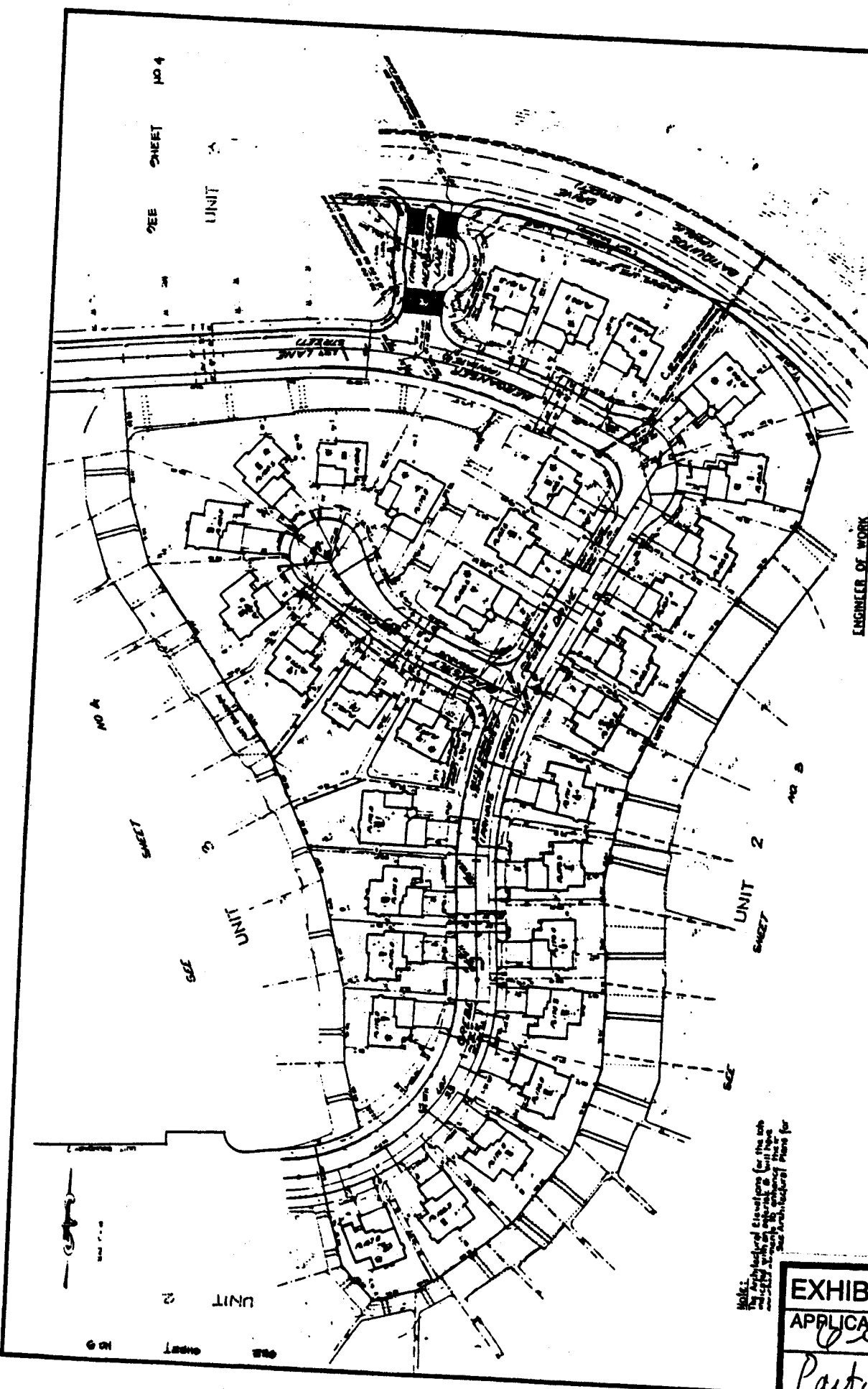
California Coastal Commission

**NOTE:**  
 The Applicant requests for the job shown on this plan that the applicant be allowed to use the existing easement for the purpose of the project. See attached plan for details.

COUNTY OF SAN DIEGO  
 AVADIA  
**SITE PLAN**  
 TRACT 90-20-2  
 CITY OF CARLSBAD

**ENGINEER OF WORK**  
 [Signature]  
 [Title]

C142  
 3  
 4



SEE SHEET NO. 4

UNIT 3

NO. 4

SHEET

UNIT

NO. 2

SHEET

UNIT

SHEET

NO. 9

UNIT

UNIT

SHEET

SHEET

C142
COUNTY OF SAN DIEGO AWABA SITE PLAN TRACT 9630-1 CITY OF SAN DIEGO
2
4

ENGINEER OF WORK

DATE: \_\_\_\_\_  
 TIME: \_\_\_\_\_  
 PLACE: \_\_\_\_\_  
 PROJECT: \_\_\_\_\_

NOTE:  
 1. The site plan is part of the application for the proposed project.  
 2. The site plan is subject to the approval of the local planning agency.  
 3. The site plan is subject to the approval of the local planning agency.  
 4. The site plan is subject to the approval of the local planning agency.

Note: The Architectural Specifications for the site plan are attached to the application for the proposed project. The Architectural Plans for the site plan are attached to the application for the proposed project.

<b>EXHIBIT NO. 3C</b>
<b>APPLICATION NO. 09C-38</b>
<i>Partial Site Plan</i>
California Coastal Commission